REMARKS / ARGUMENTS

Claims 1, 11 and 18 have been amended.

Claims 1-5, 8-13 and 16-18 remain in the application. Claims 6, 7, 14, and 15 have been cancelled.

No new matter has been added.

Reconsideration of the application, as amended, is respectfully requested.

The Examiner has objected abstract of the disclosure because in line 1, the phrase "is disclosed" should be omitted. Responsive to the request of the Examiner, Applicant has amended abstract of the disclosure by omitting the phrase "is disclosed".

The Examiner has rejected Claims 1 and 2 and under 35 U.S.C. 102(b) as being anticipated by Fisk (U.S. Patent 3,208,432). The Examiner stated:

> Fisk shows an animal treatment table comprising a support platform (43), a vertically movable structure (38) including a scissors lift (44,45) mounted to the platform to cause the platform to move to selected vertical positions; and a rail structure (55,56,57) supported by the platform and used in conjunction with chains (58,61) to restrain the animal.

The Examiner has rejected Claims 1-3 and 6 under 35 U.S.C. 102(b) as being anticipated by Ream (U.S. Patent 4,457,403). The Examiner stated:

> Ream shows a platform capable of supporting an animal comprising a support platform (12), a vertically movable structure (69) including a scissors lift (13,14) mounted to the platform to cause the platform to move to selected vertical positions, at least one hydraulic cylinder (75) to operate the scissors lift, a motor (col. 5, lines 22-27), and a control system (29) to control actuation of the hydraulic cylinder; and a rail structure (28) including upright and horizontally disposed rails supported by the platform to restrain the animal.

The Examiner has rejected Claims 1-3 under 35 U.S.C. 102(b) as being anticipated by Read (U.S. Patent 6,230,657). The Examiner stated:

> Read shows a platform for supporting an animal comprising a support platform (12), a vertically movable structure (16) including a scissors lift mounted to the platform to cause the platform to move to selected vertical positions, at least one hydraulic cylinder to operate the scissors lift, a motor (30), which controls and powers the lift (16) to control actuation of the hydraulic cylinder; and a rail structure formed by the top edge of a shroud (14) supported by the platform to restrain the animal, wherein in the collapsed state (Fig. 1), the shroud forms a pit in which the scissors lift is housed.

Applicant's Claim 1, as amended, includes a rail structure having a plurality of uprights and a plurality of horizontally disposed rails including a pair of end rails, a first side rail, a second side rail, an intermediate rail, and an extensible rail, wherein the intermediate rail is slidably connected to the end rails and the extensible rail is slidably connected to the intermediate rail and the first side rail. Fisk teaches an examination and treatment table for veterinary use utilizing a chain system to restrain an animal. Ream teaches self-propelled

elevating work platform including a work platform utilizing a toe board and guard rail system. Read teaches an examination table for animals utilizing a shroud which surrounds a table top for retaining an animal on the table. None of the references teach a rail structure as recited in Claim 1, as amended. It is submitted that Claim 1, as amended, includes allowable subject matter and is patentable.

Claims 2 and 3 depend from Claim 1 and include further limitations. It is submitted that since Claims 2 and 3 depend from Claim 1, the claims should be allowable along with Claim 1, as amended.

Claims 4, 5, 11, and 14 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Ream (U.S. Patent 4,457,403) in view of Möller (U.S. Patent 4,511,110). Möller does not fill the void of Ream as discussed above. It is submitted that since Claims 4 and 5 depend from Claim 1, the claims should be allowable along with Claim 1, as amended. Claim 11, as amended, includes a rail structure having a plurality of uprights and a plurality of horizontally disposed end rails and side rails, an intermediate rail adjustable in a direction substantially parallel to the end rails, and an extensible rail adjustable in a direction substantially parallel to the side rails. Neither Ream nor Möller include such a rail structure. It is submitted that Claim 11, as amended, includes allowable subject matter and is patentable.

Claims 4, 5, and 11-13 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Read (U.S. Patent 6,230,657) in view of Möller (U.S. Patent 4,511,110). Möller does not fill the voids of Read and Ream as discussed above. It is submitted that since Claims 4 and 5 depend from Claim 1, and Claims 12 and 13 depend from Claim 11, the claims should be allowable along with Claims 1 and 11, as amended.

Claims 1-3 and 6-10 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Zito (U.S. Patent 5,213,061) in view of Ream (U.S. Patent 4,457,403). Zito teaches a squeeze trailer which includes side rails which are adjustable for accommodating animals of different widths. Neither Zito nor Ream include a rail structure in accordance with the current invention and recited in Claim 1, as amended. It is submitted that Claim 1, as amended, includes allowable subject matter and is patentable. Since Claims 2, 3, and 8-10 depend from Claim 1, the claims should be allowable along with Claim 1, as amended.

Claims 4, 5, and 11-18 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Zito (U.S. Patent 5,213,061) in view of Ream (U.S. Patent 4,457,403) and further in view of Möller (U.S. Patent 4,511,110). Neither Zito, Ream, nor Möller includes a

rail structure in accordance with the current invention and recited in Claims 1 and 11, as amended. It is submitted that Claims 1 and 11, as amended, include allowable subject matter and are patentable. Since Claims 4 and 5 depend from Claim 1 and 12, 13, 16, and 17 depend from Claim 11, the claims should be allowable along with Claims 1 and 11, as amended. Claim 18, as amended, includes a rail structure with a pair of end rails, a first side rail, a second side rail, an intermediate rail, and an extensible rail, wherein the intermediate rail is slidably connected to the end rails and the extensible rail is slidably connected to the intermediate rail and the first side rail to facilitate restraining animals on a platform. None of the references cited by the Examiner includes such a rail structure. It is submitted that Claim 18, as amended, includes allowable subject matter and is patentable.

Reconsideration and withdrawal of the rejections under 35 U.S.C. 102(b) and 35 U.S.C. 103(a) is respectfully requested.

A timely Notice of Allowance is respectfully requested.

While the applicants' attorney has made a sincere effort to properly define applicants' invention and to distinguish the same from the prior art, should the Examiner deem that other language would be more appropriate, it is requested that a telephone interview be had with the applicants' attorney in a sincere effort to expedite the prosecution of the application.

ANNOTATED MARKED UP DRAWING
U.S. Utility Patent Application
FMBM DOCKET NO: 1-36799
TITLE: ANIMAL RAISING AND LOWERING SYSTEM
INVENTOR: Larry A. Fisher
COUNSEL: Donald R. Fraser 419-874-1100

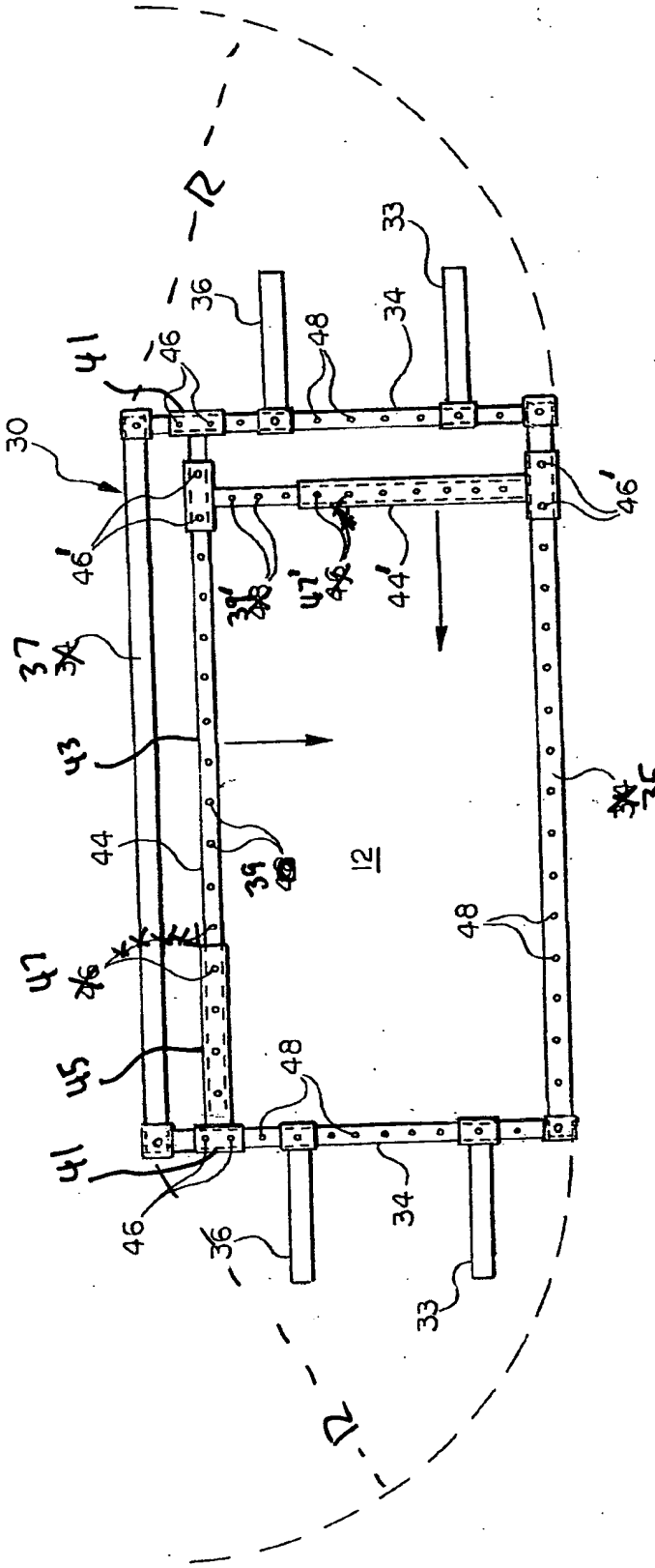

FIG. 4